

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65073 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- HARNAUT District- Nalanda

Kamlesh Manjhi, aged about 56 years, Male, Son of Mishri Manhi, Resident of Village - Kharthua, P.S. - Harnaut, District - Nalanda at Bihar Sharif

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Niranjan Parihar, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 16-05-2024 This matter has been listed under the heading “For orders (on office notes)’.

2. A counter affidavit has been filed on behalf of the Superintendent of Police, Nalanda at Bihar Shariff. Let it be kept on the record.

3. Heard learned counsel for the petitioner and learned A.P.P. for the State.

4. The petitioner seeks bail in connection with Harnaut (Gokhulpur O.P.) P.S. Case No. 494 of 2022 dated 05.09.2022 registered for the offences punishable under Sections 406, 409, 420 and 120B of the I.P.C.

5. As per the prosecution case, ‘Ward Kriyanwayan and Management Committee’ Bank A/C bearing No.



6747000100088395, P.N.B. Harnaut, under the scheme of 'Mukhyamantri Saat Nischyay Yojna' under 'Nal Jal Yojna' was operating with the joint signature of Kamlesh Manjhi (petitioner), who is the Ward Member and the co-accused Amarjeet Ravidas, who is the Ward Secretary of Gram Panchayat-Basniyawar, Ward No. 5. It is further submitted that Rs. 32,40,000/- was made available in the aforesaid bank account by Gram Panchayat-Basniyawar for implementation of the same scheme so that the work of 'Nal-Jal' and 'Gali-Nali' was to be done but according to the measurement book of the said Gram Panchayat, the only work of Rs. 23,92,049/- has been done and remaining amount of Rs. 8,47,951/- has been misappropriated by the Ward Member (petitioner) and the co-accused Amarjeet Ravidas (Ward Secretary).

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the charge sheet has been submitted in the present case. It is further submitted that no government money was allotted in the Bank A/C No. 6747000100088395 which was operated by the Ward Secretary, hence, there is no question arises that the petitioner has misappropriated the government money. The petitioner was not



at all aware about withdrawal of money as the said account has been operated by the Panchayat Secretary. It is further submitted that the work of the said scheme was done but due to some dispute between the Panchayat Secretary and the Junior Engineer, measurement book has not been completed and wrong information has been given. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 14.09.2022.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further submitted by the learned A.P.P. for the State by filing a counter affidavit that during investigation, the case was found true against the petitioner on the basis of the oral testimony of the witnesses including the concerned Junior Engineer as well as the documentary evidences, which indicated that an amount of Rs. 8,47,951/- has been misappropriated by the the Ward Member (petitioner) and the co-accused Amarjeet Ravidas (Ward Secretary).

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Harnaut (Gokhulpur O.P.) P.S. Case No. 494 of 2022 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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